

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

[1] BLACK EMERGENCY RESPONSE TEAM, et al. )	)	
	)	
<i>Plaintiffs,</i>	)	
v.	)	
	)	Case No. CIV-21-1022-G
[1] GENTNER DRUMMOND, in his official capacity )	)	
as Oklahoma Attorney General, et al.	)	
	)	
<i>Defendants.</i>	)	

**AMENDED VOLUNTARY STIPULATION OF DISMISSAL**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii),<sup>1</sup> it is hereby stipulated and agreed to by and between Plaintiffs, the members of the Board of Regents of the University of Oklahoma (OU Defendants)<sup>2</sup>, and State Defendants (collectively, “Parties”) that Plaintiffs:

- (1) voluntarily dismiss from the above-captioned action, without prejudice, all claims<sup>3</sup> asserted against the OU Defendants; and
- (2) Plaintiffs also dismiss their (a) Fourteenth Amendment Vagueness claim, Count I of the Amended Complaint [Doc. 50]; (b) First Amendment Right to Receive

---

<sup>1</sup> In the alternative, Parties respectfully request that the Court construe this Stipulation of Voluntary Dismissal as a Joint Motion to Dismiss pursuant to Fed. R. Civ. P. 41(1)(A)(2) and act to dismiss all the claims that the Court determines should be dismissed by the terms of the Stipulation.

<sup>2</sup> Current OU Board of Regents members are Bob Ross, Rick Braught, Kenneth Waits, Rainey Williams Jr., Eric Stevenson, Anita Holloway, and Rick Nagel.

<sup>3</sup> The specific claims being dismissed as to the OU Defendants are Plaintiffs’ (a) Fourteenth Amendment Vagueness Claim, Count 1 of the Amended Complaint [Doc. 50]; (b) First Amendment Right to Receive Information Claim, Count II of the Amended Complaint [Doc. 50]; and (c) First Amendment Academic Freedom Claim, Count III of the Amended Complaint [Doc. 50]. Plaintiffs already dismissed their Fourteenth Amendment Equal Protection Claim, Count IV of the Amended Complaint on June 30, 2025. Doc. 254.

Information Claim, Count II of the Amended Complaint [Doc. 50]; and (c) First Amendment Academic Freedom claim, Count III of the Amended Complaint [Doc. 50] against the Oklahoma State Regents for Higher Education.

The parties had cross appeals pending in the Tenth Circuit Court of Appeals. Per the order entered on August 1, 2025, App. Doc. 61, the Tenth Circuit dismissed Plaintiffs' appeal against the OU Defendants in Case No. 24-6139 and OU Defendants' appeal in Case No. 24-6140. Thus, all appeal issues involving the OU Defendants have been dismissed. Furthermore, as to any appellate issues not specifically resolved by the circuit court's order, this Court retains jurisdiction to enter substantive orders in the district court as appeals from the entry of a preliminary injunction do not divest this Court of jurisdiction to act. *See Valentine v. PNC Financial Services Group, Inc.*, 820 Fed. App'x 722, 726 (10th Cir. 2020) (holding that an appeal from an interlocutory order denying a preliminary injunction does not divest the district court of jurisdiction to proceed with the underlying action on the merits); *Colorado v. Idarado Mining Co.*, 916 F.2d 1486, 1490 & n.2 (10th Cir. 1990) (holding that in an appeal from an injunction, the court retains jurisdiction to act on the case pending appeal); *Pueblo of Pojoaque v. State of New Mexico*, 863 F.3d 1226, 1231 (10th Cir. 2017) (same).

As a result of this voluntary dismissal, Plaintiffs have no remaining claims against OU Defendants. Therefore, OU Defendants are voluntarily dismissed, without prejudice, from this action. Further, also as a result of this voluntary dismissal, Plaintiffs OU-AAUP and BERT have no remaining claims in this action, and are voluntarily dismissed, without prejudice, as plaintiffs in this action. Each party will bear its own costs and fees.

Dated: August 15, 2025

Respectfully submitted,

/s/ Maya Brodziak

Maya Brodziak  
Sumayya Saleh  
Zakiya Lewis  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
UNDER LAW  
1500 K Street NW, Suite 900  
Washington, DC 20005  
mbrodziak@lawyerscommittee.org  
ssaleh@lawyerscommittee.org  
zlewis@lawyerscommittee.org

Megan Lambert  
Oklahoma Bar Number: 33216  
AMERICAN CIVIL LIBERTIES  
UNION  
FOUNDATION OF OKLAHOMA  
P.O. Box 13327  
Oklahoma City, OK 73113  
Tel.: 405-524-8511  
mlambert@acluok.org

Emerson Sykes  
Leah Watson  
Sarah Hinger  
AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
125 Broad Street, 18th Floor New  
York, NY 10004  
esykes@aclu.org  
lwatson@aclu.org  
shinger@aclu.org

Douglas Koff  
Julia Beskin  
Kevin Scot Johns  
Adam Kimelman  
MCDERMOTT WILL & SCHULTE LLP  
919 Third Avenue New York, NY 10022  
douglas.koff@srz.com

julia.beskin@srz.com  
sara.solfanelli@srz.com  
kevin.johns@srz.com  
adam.kimelman@srz.com

*Counsel for Plaintiffs*

/s/ M. Daniel Weitman

M. DANIEL WEITMAN, OBA #17412  
TINA S. IKPA, OBA #32193  
University of Oklahoma Office of Legal  
Counsel  
660 Parrington Oval, Suite 213  
Norman, Oklahoma 73109  
Telephone: (405) 325-4124  
Facsimile: (405) 325.7681  
E-Mail: dan.weitman@ou.edu  
E-Mail: tsikpa@ou.edu

*Counsel for University Defendants*

/s/ Garry Gaskins

GARRY M. GASKINS, II, OBA NO. 20212  
Solicitor General  
ZACH WEST, OBA NO. 30768  
Director of Special Litigation  
WILL FLANAGAN, OBA NO. 35110  
Assistant Solicitor General  
OFFICE OF ATTORNEY GENERAL STATE  
OF OKLAHOMA  
313 N.E. 21st Street Oklahoma City, OK 73105  
Telephone: (405) 521-3921  
Garry.Gaskins@oag.ok.gov  
Zach.West@oag.ok.gov  
William.Flanagan@oag.ok.gov

*Counsel for State Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15th day of August 2025, I transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to all registered ECF registrants.

/s/ Maya Brodziak  
Maya Brodziak  
LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
UNDER LAW  
1500 K Street NW, Suite 900  
Washington, DC 20005  
mbrodziak@lawyerscommittee.org

*Counsel for Plaintiffs*